

BOOK REVIEWS

A Digest of Opinions of the Judge Advocates General of the Army. Prepared under the direction of the Judge Advocate General, United States Army, by Captain Charles Roscoe Howland, Twenty-first Infantry, Assistant to the Judge Advocate-General. Washington. Government Printing Office. 1912. pp. 1103.

This work, published primarily "for the information of the Army and Organized Militia of the United States," includes "the opinions of the Judge Advocates General of the Army from September 3, 1862, to January 31, 1912." Its plan follows that of the latest approved digests. The main titles are well and often extensively analyzed, while abundant cross-reference heads make the law which the book contains on a particular point readily accessible. As its title indicates, the digest proper includes only the opinions of the Judge Advocates General of the Army. However, cases from regular State and Federal courts are frequently cited in notes, where matters which have come before the Judge Advocates General for decision have also been decided by these courts. This seems an excellent and thorough digest in its field. The work should render much valuable assistance to those who deal with this branch of the law.

H. C. C.

Argument of the Honorable Elihu Root on Behalf of the United States, before the North Atlantic Coast Fisheries Arbitration Tribunal at The Hague, 1910. Edited with Introduction and Appendix by James Brown Scott, of Counsel for the United States. The World Peace Foundation, 1912. pp. cli, 523.

In getting out under one cover a most excellent compilation of the arguments, papers, treaties, statutes, correspondence, and final award pertaining to the settlement of an historical controversy between two great nations, the World Peace Foundation has done much towards a better understanding of international arbitration, —what it means, and what it can accomplish. As has been said by President Taft and other advocates of the peaceful settlement of international disputes, the actual decision of one important

question by The Hague tribunal has accomplished more in the peace movement than many hundreds of speeches and lectures before passive audiences. The work under review presents the amicable and successful settlement by a three months arbitration, of a dispute which has embittered the relations of two peoples from a time preceding the declaration of American independence.

By the convention of 1818, the United States obtained equal rights with Great Britain to take fish along certain portions of the Newfoundland and Canadian coasts. This was a perpetual grant; but the working out of the treaty resulted for almost a hundred years in threatening disputes. Reciprocity treaties were signed, but they did not solve the difficulty. A *modus vivendi* was reached in 1906; and the question remained to be settled by the permanent Hague Court, established by the Conference of 1907.

The history of the entire North Atlantic Coast Fisheries Question is presented in a comprehensive introduction by Mr. Scott. The argument of Mr. Root follows. The text of the various treaties concerned with the fisheries question, the award of the tribunal, correspondence, papers, and other documents complete the volume.

The reviewer noticed a few mistakes in orthography that slipped by the proof reader. But, on the whole, the "get up" of the volume is excellent. A complete index might have helped out the table of contents.

F. R.

Handbook on the Law of Partnership. By Eugene Allen Gilmore, Professor of Law in the University of Wisconsin. West Publishing Co., St. Paul, Minn. 1911. pp. xiii, 721.

This is not a new edition of the Hornbook *George on Partnership*. This is a new text-book on the Law of Partnership, and is written by one well-fitted for the task, the author having previously prepared a *Casebook on the Law of Partnership* for the American Casebook Series.

As a result of extended study and careful analysis, in this volume is presented an admirable text-book, and one which will prove

of great value to both students and practitioners. The subject is treated in a plain, matter-of-fact manner. Its principles are set forth clearly and simply, and are not encumbered with unnecessary verbosity. The work is a thorough and comprehensive practical treatise, and though it cannot be called exhaustive, it goes into detail sufficient for most purposes. The last chapter is devoted to Limited Partnerships, which are today by statute allowed in all but three of our States, and in most, if not all, the Canadian Provinces.

In the notes the author has directly cited many cases, but his endeavor has not been to cite all but only the ones of practical assistance, especially leading cases. However, the citations are indirectly exhaustive of American cases, since references are given to the proper sections of the American Digest, both Decennial and Century Editions.

H. C. C.

The Federal Corporation Tax Law. By Thomas Gold Frost, LL.D., Ph.D., of the New York Bar. Matthew Bender & Co., Albany, N. Y. 1911. pp. x, 321.

This book contains a commentary on the nature, scope and fundamental basis of the Corporation Tax Law, its constitutionality and construction, and the practical methods for the enforcement and collection of the tax, together with a chapter on the remedies open either to the government or to those seeking to resist or recover a payment thereunder. The appendix contains a very useful collection of the decisions of the Supreme Court sustaining the law, of the opinions of the Attorney General, and of the Treasury regulations concerning the collection of the tax. Based as it is on authoritative expositions of a law which has not, up to the present, received very much attention, the book should prove invaluable to the corporation lawyer, and in view of the importance of corporations under modern business conditions, it may well be of great service to any practitioner, while to corporate officials the book would seem well-nigh indispensable.

C. R. B.

The Genius of the Common Law. By Sir Frederick Pollock, Bart., D. C. L., LL.D., of Lincoln's Inn, Barrister at Law; Honorary Fellow of Corpus Christi College, Oxford. New York. The Columbia University Press. 1912. pp. vii, 141.

These eight lectures, recently delivered at Columbia University, trace, in a charming atmosphere of allegory, the vicissitudes, perils and successes of "our lady the Common Law." With an eminently distinguished master at the helm, the reader is shown the beginnings, the growth, and the present *status* of the common law. Minuteness of detail is not attempted. But Sir Frederick Pollock has illumined his subject and brought out its salient points in a way such as is possible only by one of his learning and experience.

This book merits thoughtful study and consideration. The common law, a living law possessed of large powers of assimilation and of adaptability, has well proven herself. Archaic formalism has been successfully attacked by simplification. Medieval lawlessness has been conquered. Modern conditions and economic changes are being met and an adjustment brought about. So well has she thus far performed the task, that this work is a most gracious and not undeserved eulogy of "our lady the Common Law." "Her justice is fair as the moon, clear as the sun and terrible as an army with banners."

H. C. C.

The Law of Interstate Commerce. By Franklin N. Judson, of the St. Louis Bar. Second Edition. T. H. Flood & Co. Chicago.. 1912. pp. xxiv, 805.

Mr. Judson, by this second edition, revises and supplements his work of 1905 and 1906. His purpose is to present in compact form the law of interstate commerce. Part I gives a general survey of the law as declared by the courts since the Constitution, and as enacted by Congress and applied by the Interstate Commerce Commission since 1887, including such vital subjects as the Federal power of regulation of labor and of railroads. Part II takes up the Interstate Commerce Act section by section, giving a most valuable interpretation of the act. The Anti-Trust Act of 1890 is similarly treated, and the purport of the Elkins Act, the

Expedition Act, and the Department of Commerce and Labor is briefly sketched. Part III deals with the Safety Act, the Employers' Liability Act, the Hours of Service Act, and the Live Stock Transportation Act, while the Appendix gives the text of several other acts intimately connected with the subject, and increases the practical value of the book by including the rules of practice and procedure of the Commission.

The important subject of railroad rates is most fully treated. On the whole, we have here brought together in one volume in the careful and thorough manner characteristic of Mr. Judson, all the important law of interstate commerce, especially of the last twenty-five years, the period of the Interstate Commerce Commission. Any lawyer having occasion to look up the subject from the standpoint of further legislation or an actual case under the law will find his work substantially outlined for him by this book.

C. J. R.